

**SUFFOLK COUNTY LEGISLATURE
ORGANIZATIONAL MEETING
JANUARY 15, 2004**

THE CONTINUATION OF THE ORGANIZATIONAL MEETING WAS HELD AT THE

WILLIAM H. ROGERS LEGISLATURE BUILDING

IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM

725 VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK

MINUTES TAKEN BY:
ALISON MAHONEY & LUCIA BRAATEN - COURT STENOGRAPHERS

MINUTES TRANSCRIBED BY: ALISON MAHONEY - COURT STENOGRAPHER

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[THE MEETING WAS CALLED TO ORDER AT 9:38 A.M.]

P.O. CARACAPPA:
Roll call, Mr. Clerk. Roll call

(*Roll Called by Mr. Barton, Clerk*)

LEG. CARACCILO:
Here.

LEG. SCHNEIDERMAN:
Here.

LEG. O'LEARY:
Here.

P.O. CARACAPPA:
Here.

LEG. VILORIA-FISHER:
Here.

LEG. LOSQUADRO:
Here.

LEG. FOLEY:
Present.

LEG. LINDSAY:
Here.

LEG. MONTANO:
Present.

LEG. ALDEN:
Here.

LEG. CARPENTER:
Here.

LEG. CRECCA:
Here.

LEG. NOWICK:
Here.

LEG. BISHOP:
Here.

LEG. BINDER:
Here.

LEG. TONNA:
Here.

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LEG. COOPER:
(Not present).

MR. BARTON:
16 present (Not Present: Legislator Cooper).

P.O. CARACAPPA:
Thank you, Henry. All rise for a Salute to the flag led by Legislator Caracciolo.

Salutation

Okay. Good morning, everybody. This is a -- before we get started, I would like to recognize Legislator Schneiderman.

LEG. SCHNEIDERMAN:
We in Suffolk County --

P.O. CARACAPPA:
Jay?

LEG. FOLEY:
Use the microphone that way it's part of the record.

LEG. SCHNEIDERMAN:
In Suffolk County this week we lost a local legend, Perry Duryea, Jr. From Montauk, my home town, passed away on Sunday. Perry was involved in the local community and he went on to serve in the State Assembly, he was Speaker of the State Assembly for a number of years. He was also Minority Leader for a number of years, I think he served over 20 years in the State Assembly. He did a tremendous amount for Suffolk County, particularly in the area of preservation, the State Park System, areas like Hither Hills State Park would not have happened without Perry Duryea.

On a personal note, Perry Duryea even into his 80's worked every day, he was a very hard working person. I saw him speak on many occasions and I never heard him say a word about himself, he always talked about the attributes of others. He was a very kind, philanthropic person and we'll all miss him. And what I would like to ask for is a moment of silence in memory of Perry Duryea and his service to Long Island.

Moment of Silence Observed

P.O. CARACAPPA:
Thank you, Legislator Schneiderman. This is a continuation of the Organizational Meeting January 2nd. The first thing I'd like to do is make a motion to reconsider the public portion aspect of that meeting which was debated, and I would like to actually provide a public portion opportunity today. So I will make a motion, having been on the prevailing side, to reconsider that, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:
16 (Not Present: Legislator Cooper).

P.O. CARACAPPA:
We are now going to go into the public portion. The first speaker is

Chris O'Connor.

MR. O'CONNOR:

Good day. I'm glad to see everyone got here. My name is Chris O'Connor, I am the Program Director for The Neighborhood Network which is a public policy, environmental, good government organization.

As I stand here before you today, I cannot help think about the many times I've stood before you in almost 20 years that I've been here and I've seen many of the historic legislation that has come by this body. And the reason why I'm before you today is to talk about the Rules Committee or the proposed Rules Committee that would be there. Many of the historic pieces of legislation that we've seen put forth in this house, be it the Ephedra ban, be it the cell phone ban, neighboring notification, the bottle bill, we all did that without a Rules Committee and it was a model for the rest of the nation. And all these things seemed to be working. Now, I've looked over many places around the country and many places have Rules Committees, many places -- Albany, for instance, they have a Rules Committee, you know how well that works, no one gets any legislation out. Let's go over to Nassau, let's look at what that Rules Committee does; legislation doesn't get out from the minority party, whether it be Republican or Democrat, it doesn't work. I've never seen a Rules Committee not use the whole back legislation.

Now, people won't tell me, and I've talked to a number of you, that now we have to increase the decorum of the Legislature, we have to get out some of these crazy bills and the so forth and the zoo-like atmosphere. Well, first off, democracy is messy, it's supposed to be. You're supposed to be able to have debates, you're supposed to be able to be accountable when the bills come to the floor; that doesn't necessarily happen when it's being killed in the Rules Committee. And oh, that's what disturbs me. I've heard rumors from other people telling me that some members can't wait to kill some bills when it gets into the Rules Committee, and I expect that would happen, perhaps.

You know, the other thing is is that the integrity of the committee structure is at stake here. All you have to do is look at your parallel Legislature over in Nassau County and look at how anemic their committee structure is. There is no debate that goes on, they rarely ever meet and they're rarely ever coordinated bodies, only in name only. Why? Because everything goes through their Rules Committee and that's where the power lies, and that's a fact, and that's fact at what happens in Albany.

Now, as you cast your votes here, I know a number of you have misgivings about the Rules Committee, I urge you to vote your conscience. I urge you to do what is right for this County. I don't know whether you all will, but let me tell you this, we'll be watching

and we'll be watching what goes in and doesn't come out and we'll be holding this Legislature accountable about to that.

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You know, it's unfortunate, however, and let me sum up, that a number of other good government and civic leaders couldn't be here today because of the bad weather; I got phone calls from at least three people who couldn't get here because of the snow. And I did hear, however, that the -- that there was an effort by some Legislators to postpone it to 12 o'clock, I think that would have been the more prudent thing so that there could have been greater public participation here, and that's unfortunate. Shame on those who did not want to have it postponed. Thank you and good luck this year in the Legislature.

P.O. CARACAPPA:

Thank you, Mr. O'Connor. Let me just let the record reflect that based on the impending storm yesterday, I did send -- I polled each and every Legislator to find out what would be better, to continue at this time, to push it to 12 or to postpone it to Friday and it was a consensus from the whole Legislature that we continue on this morning, so it was a decision reached on by all of us. I just want to make that clear for the record. Next speaker is Lisa Tyson.

MS. TYSON:

Good morning. I'm the Director of the Long Island Progressive Coalition. Happy new year.

LEG. TONNA:

Happy new year.

MS. TYSON:

I wish I didn't have to be here today, to tell you the truth. I have a lot of other things to do in the office running a non-profit organization. And when we heard about the Rules Committee being enacted in Suffolk, it really upset us because so many times I've spoken to the Nassau County Legislature and I've used Suffolk as an example of how things work well. It's not been by party lines, it's been about good government, it's been about good legislation, and what we really fear is that this legislation is going to stop that and it's going to turn into a partisan atmosphere within this Legislature.

Suffolk has a lot of problems ahead of it due to basically the budget problem. There's a huge Medicaid problem, an unfunded mandate, there's going to be a lot of challenges this year for this body. And by having a Rules Committee, we fear that it's going to stop from being able to make good legislation.

There's another fear that a lot of Rules Committees have enacted and that's campaign financing and what is the role of the leaders of the Rules Committee and how is money going to be funneled into this committee? And typically what happens with the Rules Committee is that whoever is the leader of the Rules Committee all of a sudden gets a lot of campaign financing money towards their campaign to vote in a certain way; for instance, the tobacco companies can funnel money into one candidate, into one Legislator who is the head of the Rules Committee to stop something from getting on the floor, this is what happens in all levels of government and this is what we really have to be fearful. This is how the special interest can really take over this legislative body and stopping things from getting on to the floor.

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There have been arguments that the committee -- that committees don't finish their bill and that's why it comes to the floor and it's not done and that's why we need a Rules Committee because the work is not done. And if that's really the argument, then that committee needs to go back and finish their work. Maybe there's other mechanisms to having the committee finish their work before it can go to the main body, there are other ways to do it, other legislative bodies have that. And the idea that there's too many bills is a new idea, I haven't really heard that from any Legislators. It seems as though this body has been very effective in getting its work done and getting the bills out by the end of the year. And so if those are the two main arguments, what else is a reason for a Rules Committee? It's power and that is not good for Suffolk County. We need to have nonpartisan legislating and that's not going to happen with a Rules Committee, and I'm serious about this.

There are many people on the Legislature who have many districts that are different than the rest of the County. The east end is very different than, let's say, Brentwood and the issues are totally different. And we have a chapter out on the east end, we do a lot of work out there, we really fear that things are not going to get on to the floor, they're specifically for the east end and like -- similar situations for other areas.

So we're really hoping that you keep the Suffolk County Legislature working and you prevent this Rules Committee from happening. Thank you.

P.O. CARACAPPA:

Thank you, Ms. Tyson. We have no other cards. Anyone else wishing to be heard? I will make a motion to close public portion.

LEG. CRECCA:

Second.

P.O. CARACAPPA:

Second by Legislator Crecca. All in favor? Opposed? Abstentions?

MR. BARTON:

17.

P.O. CARACAPPA:

Okay. We are now moving on to No. 12 -- no, I'm sorry, we're going to go to the rules. Let's do Introductory Resolution No. 12, this was skipped over at the last meeting, this is to designate Local Newspapers in which County notices may be published.

LEG. CARPENTER:

Motion.

P.O. CARACAPPA:

These are the town papers. Motion by Legislator Carpenter, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

17.

P.O. CARACAPPA:

That's approved.

Before we get into what will be a lengthy debate on the rule changes, I would just ask that everyone try to make their statements concise and to the point, try and keep the hard-core partisanship out of it and let's just move ahead. It's a little tricky out there on the roadways and the more professional we conduct ourselves the quicker we make our points and we can move on with the business not only here today but finally get on to doing the business of the people as a full Legislature. So with that being said --

LEG. CRECCA:

Motion.

P.O. CARACAPPA:

There is a motion by Legislator Crecca to?

LEG. CRECCA:

Mr. Presiding Officer, I'd make a motion to waive Rule 5, lay on the table IR 1031-2004, which is being distributed now, and approve.

P.O. CARACAPPA:

Is there a second? Second by Legislator Carpenter.

LEG. BISHOP:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Bishop.

LEG. BISHOP:

Am I to understand by that motion that if it is approved then there will be no opportunity to make amendments to the proposal that's being offered by the Republican Majority; is that the intention of the movant?

LEG. ALDEN:

I can answer that.

P.O. CARACAPPA:

Legislator Alden, would you mind?

LEG. ALDEN:

This is a debatable motion so you could propose whatever you want. But the second thing is at any time a rule change resolution could be put in by any member of the Legislative body, so whether it be at this meeting or be it any subsequent meetings, any time you do have a proposal for a rule change it's an appropriate resolution.

P.O. CARACAPPA:

Actually, David, to go further with that. If you wouldn't mind, you still would be able to debate the merits of the rule changes, we're just doing it so that basically we can stay under the rules of the Legislature that we've adopted temporarily while we still have debate.

LEG. BISHOP:

When we suspended the meeting we were on a track where there was an opportunity for Legislators to one by one, each aspect of the rule could be challenged. Now, most were not challenged, some were, even the Republican Majority agreed to some of the changes. It seems to me now that the first move of this restored meeting is to cut off that opportunity and to make this an Omnibus situation, take it or leave it; is that what the Presiding Officer and his colleagues intend, that's what I want to know.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

My recollection of our adjournment was that we adopted the same rules

from 2003 and we agreed to come back to make -- you know, to look at modifications to the '03 rules that were adopted. And I think what Legislator Bishop is asking, you know, will we have the opportunity to go through the rules as proposed in this document one by one and debate what's good, bad, indifferent, vote up, vote down, or are we going to, you know, vote on this packet in its entirety? I think that was the question, just a matter of decorum on how we're going to proceed.

P.O. CARACAPPA:
Legislator Crecca.

LEG. CRECCA:
Yeah, at the last meeting, it's my recollection too that we had first requested that we adopt the 2004 Rules as the temporary rules, the proposed 2004 Rules I should say, and that wasn't acceptable to the Democrats, for lack of a better way to put it, and what we did was we then temporarily adopted 2003 Rules so we can finish conducting our business.

What the proposed IR 1031 does is literally amends the 2000 -- proposed 2000 -- I'm sorry, amends the 2003 Rules which are the now the 2004 rules that have been adopted by the Legislature. It was requested by at least one Democrat that they receive a red line, in other words, showing the actual changes from the 2003 Rules. In addition, it was requested so that it would be very clear what the changes were. There are no changes in IR 1031 that have not been previously distributed to all legislators, they are exactly the same rules that everyone saw yesterday and the same as they saw previous to that. There were some minor changes yesterday which I know, you know, I know each Legislator saw and had an opportunity to discuss with Counsel. So this -- to answer your question, Legislator Lindsay, yes, this amends it in one full swoop, this amends the 2003 Rules which we adopted which are now the 2004 Rules by IR resolution, that's correct.

LEG. LINDSAY:
Mr. Chairman, may I just respond?

P.O. CARACAPPA:
Legislator Lindsay.

LEG. LINDSAY:
Well, thank you for answering my question, Legislator Crecca. Then I wonder if it would be appropriate, I know that this document has been distributed, if we could go through the changes from '03 to '04 for the public record.

P.O. CARACAPPA:

Absolutely, absolutely. Legislator Foley and Legislator Schneiderman.

LEG. FOLEY:

Thank you, Mr. Chairman. Prior to going through the proposed changes, I would ask a ruling from the Counsel. It's my understanding that since we've adopted the '03 Rules for '04, that if there are going to be any proposed changes to the rules they have to go through committee and not simply be adopted today. And that in the past what we've done when there have been rule changes, that they have been submitted at one particular meeting, then they go through the committee system and then we take it up at the following General Meeting; how does that differ?

P.O. CARACAPPA:

That's why there was -- the motion before us is to waive the rule to allow it to happen.

LEG. FOLEY:

So it's to waive the rule that otherwise would have --

P.O. CARACAPPA:

Rule 5.

LEG. FOLEY:

Waive Rule 5 that otherwise would allow it to go through committee.

P.O. CARACAPPA:

Which we agreed to.

LEG. CRECCA:

It doesn't have to go through committee.

LEG. BINDER:

Mr. Chairman?

P.O. CARACAPPA:

Legislator --

LEG. BINDER:

I wanted to make a point of order.

P.O. CARACAPPA:

Point of order.

LEG. BINDER:

The point of order is there was a request by a member for Counsel to make a ruling and maybe we've done that in the past, and I think wrongfully so.

LEG. FOLEY:

Not a ruling, an opinion.

LEG. BINDER:

Well, it's an important --

LEG. FOLEY:

Thank you, you're right, you're absolutely right.

LEG. BINDER:

-- distinction because a lot of times Counsels have made rulings and they probably shouldn't.

LEG. FOLEY:

It should be an opinion, duly noted. Thank you.

P.O. CARACAPPA:

I think it was cleared up, though, through the explanation of waving the rule; correct, Legislator Foley?

LEG. FOLEY:

Correct.

P.O. CARACAPPA:

Okay. Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Mr. Presiding Officer --

P.O. CARACAPPA:

Use the microphone.

LEG. SCHNEIDERMAN:

I have to get used to turning it back on. Mr. Presiding Officer, at our January 2nd meeting the drafter of the rules, Mr. Crecca, had made an offer or put out to the entire Legislature a request for comments over the two week period based on the draft 2004 Rules. I would like to know from our Legislator Crecca whether any comments have been received in that period for the record.

LEG. BISHOP:

You got my comments.

P.O. CARACAPPA:

Legislator Crecca, if you wouldn't mind.

LEG. CRECCA:

I spoke to a number of Legislators. The only Legislator from the Democratic Caucus that contacted me between then with any requests was Legislator Cooper yesterday and I had a discussion with him.

LEG. SCHNEIDERMAN:
Okay, thank you.

LEG. LINDSAY:
What about me?

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P.O. CARACAPPA:
Hold on.

LEG. CRECCA:
I'm sorry, I did -- I had a discussion with Legislator Lindsay also the other day informally, so I apologize.

LEG. BISHOP:
And I transmitted written comments to the Presiding Officer.

LEG. SCHNEIDERMAN:
My point being that --

P.O. CARACAPPA:
In the beginning which was --

LEG. SCHNEIDERMAN:
-- taking the document as a whole is I think appropriate at this time.

LEG. VILORIA-FISHER:
Excuse me.

P.O. CARACAPPA:
Duly noted. Legislator Lindsay then Viloría-Fisher.

LEG. LINDSAY:
Really just in response to Legislator Schneiderman. I only got this document yesterday. I know we've seen different versions of the draft, but this final draft came in yesterday via e-mail to my office, I didn't even have it at our caucus yesterday, I got it when I went back to the office.

P.O. CARACAPPA:
You got it a day sooner than me.

LEG. LINDSAY:

But it's hard to comment on a document that we don't have.

P.O. CARACAPPA:

The -- well, Legislator Vilorio-Fisher is first, sorry.

LEG. VILORIO-FISHER:

Okay. With regard to Mr. Schneiderman's remarks, I do want to say that I had spoken with Legislator Crecca subsequent to having seen the rules regarding some language with which I was uncomfortable. I also spoke with the Presiding Officer because rather than go to Legislator Crecca, I wanted to go to the leader, the Presiding Officer of the Legislature to discuss the rule changes which I felt was the appropriate venue. So the implication was -- and I don't know whether it was an intended implication -- that we are complaining about changes and yet have not responded or given concrete and positive critique and indeed I know I certainly have. I did have conversations about uncomfortable language and with essential differences -- well, essential problems in some of the -- in the tone of some of the rule changes. And I know that there have been conversation throughout the

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week, perhaps not formal and in writing but I know that we have had input.

P.O. CARACAPPA:

Take that one step further, Legislator Crecca, please, and then we'll move on.

LEG. CRECCA:

Yeah, I just want to -- I don't want to represent that, you know, we weren't aware of changes that the Democrats want or anything else like that. Let's just clear this up, I don't want to make something out of nothing, okay? I did not receive formal written requests for changes, Joe may have -- the Presiding Officer may have, but the fact of the matter is I did have conversations on January 2nd and subsequent conversations with several different members of the Democratic Conference. You know, there were -- while they may not have been formal requests, it was -- I was aware of some of the concerns with some of the rules, so I don't want to misrepresent that and just to clear that up, okay?

P.O. CARACAPPA:

Right, and all concerns that were brought to me on the rules were brought to Legislator Crecca who was drafting them, and to Counsel for that matter. So everyone had their say and the communication was open. Okay.

LEG. TONNA:

Put me on the list, please.

P.O. CARACAPPA:

Your on, you're up.

LEG. TONNA:

Just to clarify again. So this is a one vote covering all the rules; yes or no? Maybe I'll ask Legal Counsel, is that okay? The vote that has been proposed, there's a motion and a second, what does that actually do?

MS. KNAPP:

The first vote that will be taken will be the vote to waive Rule 5 --

LEG. TONNA:

Right.

MS. KNAPP:

-- to allow this resolution to be introduced. And then once that's done, it's my understanding that there will be a second vote which will be a one --

LEG. TONNA:

So it's an Omnibus type of -- it's a one -- so we're not going to be able to debate point by point and make changes, originally what Dave's question was, right? So then we have to enter the debate and debate them all right now about every single one of them as they come.

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LEG. CRECCA:

Point of order.

P.O. CARACAPPA:

Point of order, Legislator Crecca.

LEG. CRECCA:

The motion I made was a motion to waive Rule 5, lay on the table and approve IR 1031.

LEG. TONNA:

Yeah, so it's all in one; it's not two votes, it's one.

LEG. CRECCA:

It's one vote.

MS. KNAPP:

I'm sorry, I stand corrected.

P.O. CARACAPPA:

So we now can debate the merits of --

LEG. TONNA:

The whole thing.

LEG. CRECCA:

Correct.

P.O. CARACAPPA:

Correct.

LEG. TONNA:

Okay. So I would just --

P.O. CARACAPPA:

And once the debate is over --

LEG. TONNA:

Right.

P.O. CARACAPPA:

-- we'll be able to cast the one vote after everyone has had their say.

LEG. TONNA:

I'd like to make then two points. The first point is -- and I'd have to ask Legal Counsel again this as part of a question. To create a Rules Committee and to create a rule with regard to the stipend and travel expenses, both those issues, does not the Presiding Officer have the right to do that now under our current 2003 Rules which were adopted? Why would we have to codify them in a rule outside of the powers of the Presiding Officer?

MS. KNAPP:

The short answer is yes, the Presiding Officer certainly creates committees and establishes the jurisdictions of those committees and

appoints the Chair of those committees.

LEG. TONNA:

Right. So why -- and maybe -- I would ask, then, you know, it's a rhetorical question, but why would we want to create a precedent to write these into our rules when the power of the Presiding Officer, if he saw fit, he could create a Rules Committee. He writes the jurisdiction of those rules so he could create that unilaterally anyway, we don't need that -- we don't need that to be as part of our

rules, that's the first thing.

The second thing is that as I understand it with the way that funding works is that if there are legitimate travel expenses that are submitted and, you know, all the rules for good audit and control, that Presiding Officer has the power to sign-off on travel expenses if a Legislator is doing -- I think over the last six years I think there were some Legislators who traveled because of a ball park and some other things; I mean, those were all things that were done and there were no problems with those. So my question is why all of a sudden now are we doing something different?

My second part of this is that I think both these things are dangerous precedents to start. First of all, I don't think we should be giving additional stipends to any Legislator for doing their job. I just think, you know, we're moving down a road now of opening up a whole nother (sic) revenue stream of saying now, well, if they do this next year we might have to have a rules change that says -- you know, I could think if somebody is putting extra time in something else, maybe now they're going to need a stipend. I think this is a very, very dangerous precedent and I don't think it's a good one, I don't think it's a healthy one for this body, I don't think it projects the right image of this body.

And then secondly, I mean, you know, you know how I feel about a Rules Committee. My prediction, you have a Rules Committee, everybody who gets a chairmanship of a committee in a very short period of time, you're going to be wondering why isn't this piece of legislation out, why isn't that piece of legislation out, why do we have to worry -- why do we have to make a super committee, you know, to be able to judge -- that's exactly what it is, Joe. If you have to go through a Local Law or anything that has a Local Law, anything a Charter Law and everything else, you have a super committee, you have a committee that basically determines what goes out to other committees. And it's a very, very bad precedent to set and I don't think it's one that lends to the saying and the tradition here which says that we might disagree, we might diametrically be opposed to different things, but at least every single -- every single piece of legislation is at least given an opportunity on the merits of the legislation to be considered within committee. Thank you.

P.O. CARACAPPA:

Counsel, you had a response to the first part of Paul's question.

LEG. TONNA:

Sorry. Go ahead.

MS. KNAPP:

When you asked about why -- what place it had in the rules of the Legislature and to the extent that it could be created without the rules. The only comment legally, there are several places and the one that comes to mind the quickest is the change to Rule 6(D) where you discharge from a primary committee by written petition; well, the rules now also show that you not only can discharge from the primary committee, you can also -- and it will be deemed out of the Rules Committee, reported out of the Rules Committee by that same petition. So that it does have a function in the Rules of the Legislature that it be in there; that would be my only comment.

P.O. CARACAPPA:

Legislator Lindsay, I believe?

LEG. LINDSAY:

Yes, Mr. Chairman, thank you. I would like to amend Rule 4(I) having to do with the Legislative Delegate. And first of all, the writing of the rules, the person responsible, I would like to thank them for the changes that were made to this because I think it makes it much more workable. But I would like to strike the word "stipend" from that rule change.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

There is --

LEG. CRECCA:

Under the 2000 -- if I may, Presiding Officer, point of order?

P.O. CARACAPPA:

Go ahead.

LEG. CRECCA:

Under the 2003 Rules, you cannot amend a resolution, only the sponsor can amend the resolution, so it can't be amended on the floor. Those are the 2003 Rules of the Legislature; if I'm incorrect, I certainly stand to be corrected, but you have never been able to amend on the floor.

P.O. CARACAPPA:

Anyone else?

LEG. LINDSAY:

Well, the only thing that --

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

You know, I proposed an amendment, it was seconded, I would like to know if the Chair is going to accept the motion or rule it out of order.

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P.O. CARACAPPA:

On the point of a stipend?

LEG. FOLEY:

On the point of the amendment.

P.O. CARACAPPA:

The rules don't allow us to amend resolutions on the floor of the Legislature under our current rules that we're operating under.

LEG. LINDSAY:

So the motion is out of order.

P.O. CARACAPPA:

At this point.

LEG. TONNA:

At any point.

LEG. FOLEY:

Mr. Chairman?

P.O. CARACAPPA:

Legislator Bishop was next, then Foley.

LEG. BISHOP:

Okay. Is that -- am I to -- if I may ask the sponsor, are they entertaining any requests for amendments or changes?

P.O. CARACAPPA:

Excuse me?

LEG. CRECCA:

It doesn't say anything in the rules.

LEG. BISHOP:

Okay, so then it would not be -- so then I can go through this one by one and ask the sponsor if he will make that change. Well, that's how I'll do it then, I think that will be a mechanism to have that dialogue, and I appreciate that.

I appreciate the Presiding Officer's comments to begin the meeting, I

understand what he wants. Unfortunately --

P.O. CARACAPPA:
It's a goal.

LEG. BISHOP:
Yeah. The problem is that you can't say, well, let's not have unduly bipartisan, you know, keep your comments brief and let's get to the people's business when what's put before us are rule changes that we have not been consulted on in the sense that we are not -- our opinions don't really matter, it's clear that that's true, and that changes the nature of how this Legislature conducts its business.

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Now, some of these changes are on the margins, some of them are more significant, but all of them are changes for the worst in my opinion. I mean, I think you could categorize these changes into three categories, the substantive changes into three categories; you have those that are designed to create a legislative bottleneck and that's troubling, you have those changes that are designed to reduce public access which is counter to the tradition of this body and also troubling, and finally, you have those that are just simply self-agrandizing and that's just sad, frankly.

P.O. CARACAPPA:
That's fine.

LEG. BISHOP:
So, you know, given that you'll entertain specific changes, let me just begin then with a request that we delete paragraph I which creates the Legislator who will -- in Rule 4, the Delegate to the Federal and State Governments; will you entertain that change?

P.O. CARACAPPA:
I said no.

LEG. BISHOP:
You said no to that one, right? The reason I request that is that I think that we have an elected County Executive who speaks for the County, I don't think we want to create a situation where there is confusion. I mean, it's already difficult enough for the State Legislature apparently to hear our voice, I think that if we speak with different agendas and different voices we'll receive a greater likelihood of being ignored.

Moreover, the precedent, the horrible precedent of giving that Legislator who obtains that position a stipend is an abandonment of the principals which we have held to as a Legislature which is that

this is not about self-serving greed, this is always -- we have always tried to stay close to the people, that's been our battle cry so to speak. And to set up a system of {lulus} -- and this is the first one but you know that we're taking a dangerous step down that slippery slope with this one -- is really going to do damage to this institution that will last far beyond all of our service, and that's what I'm very afraid of as well. So for those two reasons, I would ask the sponsor to amend his rule change to delete that.

P.O. CARACAPPA:

No, I'm not going to delete it because I was asked at the last meeting why I'm putting this in and instead of just doing it behind the scenes as the Presiding Officer, I wanted to be above-board, at least everyone knows about it. I'll take the criticism, I believe in what I'm trying to accomplish here, I'll take the criticism for it from people who that don't believe in it, but at least it's out there in the public, you know about it. And I'm not going to do it in the back office with the powers of my Presiding Officership, I would rather be up front, I'll take the hits, but it's for the right reasons and it's all in the open, so I'm not going to change it.

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LEG. TONNA:

Put me on the record, please.

LEG. BISHOP:

You're under the mistaken belief, Mr. Presiding Officer, that you would have the power to pay a Legislator more than another Legislator, I don't think that you have that power. You know, congratulating yourself for doing it in the open is absurd.

P.O. CARACAPPA:

I'm not congratulating myself, David.

LEG. TONNA:

Can you put me on the list?

P.O. CARACAPPA:

Legislator Foley.

LEG. BISHOP:

In Rule 5 --

LEG. FOLEY:

He still has some more.

LEG. BISHOP:

In Rule 6, Rule 6, paragraph B-2, "Makes all Charter Laws, Local Laws,

Home Rules, Sense Resolutions to be reviewed and reported out by a Rules Committee," I would ask that you remove that change.

I know that in speaking with many of my colleagues on both sides that there is a belief that this is a bad precedent as well, yet nobody -- well, not nobody, yet many don't have the courage to stand up to their colleague who has demanded this and say that we can't do this, we can't do this because it's dangerous. Why is it dangerous? Well, it creates a Legislative bottleneck and it empowers a small group of Legislators to control the flow of the agenda of this body, counter to the history of how this Suffolk Legislature has worked. We have always been an aggressively democratic institution where the majority's will could not be frustrated by a small cadre of Legislators.

In other institutions, Rules Committees serve to provide rules to bills that are coming to the floor; for example, what amendments will be considered and what would be ruled out of order, what types of amendments. But this Rules Committee is not doing that, there's no rule being attached to any bill, this is a committee on a bottleneck. Why don't you just call it what it is since you're so proud of how up-front you are? Where is the rule that's going to be attached to any of these bills? Right, there are none. So this is a committee on a Legislative bottleneck, I don't see what the point of it is and perhaps the sponsor or its behind-the-scenes sponsor can explain what the true point of this is.

LEG. CRECCA:
Behind-the-scene sponsor.

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LEG. BISHOP:
Does anybody care to do that?

P.O. CARACAPPA:
I have ad nauseam; if you would have listened the first time you would know what it's about.

LEG. BISHOP:
What is it about?

P.O. CARACAPPA:
I have told you.

LEG. BISHOP:
Well, I don't -- if you told me it escapes me because the only thing I see here is a mechanism to send bills that have passed out of other committees to an additional committee for further scrutiny. And I

know that I will not serve on that committee because it is counter to the tradition that I wanted to join when I ran for the Suffolk Legislature and I'm really disappointed that you can't even get a debate going on it now.

P.O. CARACAPPA:
We're debating it.

LEG. BISHOP:
No, you're telling me that you've discussed it in the past. I'm looking for an explanation, a justification of why we need to make this change. No? Indefensible is what I would say and apparently you agree since nobody is willing to join the debate. There are a number of -- and I'll take the silence as also a denial of my request that it be removed from the rules.

There are also a number of measures here which are designed to reduce public access to the Suffolk Legislature; another disappointing action taken. First of all, I don't understand what the fear is to have -- to let the public come in here and speak to us. That is one of the great strengths of the Suffolk Legislature, is that we represent a large County, a million and a half people, and we allow the public to come right before us and tell us that we're doing a good job, bad job or are indifferent towards it; we let them have at us and sometimes that takes time. But you know what? In the end, we do a better job representing the people when we allow the people to speak directly at us.

Now, there are a series of rules here which are designed to take that great tradition of public access and reduce it and I don't understand what the need for that is.

P.O. CARACAPPA:
Which ones are those, David?

LEG. BISHOP:
Well, one of -- all right. Change the time that the public portion is suspended from 6 PM to 5 PM during a day meeting and from 1 AM to --

P.O. CARACAPPA:
That was changed; read.

LEG. BISHOP:
Okay, very good, I appreciate that.

LEG. CARPENTER:
Yes, it was.

LEG. BISHOP:

"The rules that allow or provide a mechanism for Local Law hearings to be conducted in committee".

P.O. CARACAPPA:

May, not shall.

LEG. BINDER:

That's current law.

LEG. BISHOP:

Now, is the Rules Committee one of those committees that would have --

LEG. ALDEN:

By Charter Law, the Charter Law allows it.

LEG. CRECCA:

If I may?

LEG. BISHOP:

The Charter Law allows it but our rules never provided for it so we never did it.

P.O. CARACAPPA:

Yes, they have.

LEG. CRECCA:

May I?

P.O. CARACAPPA:

Legislator Crecca.

LEG. BISHOP:

Then why is it a change?

LEG. CRECCA:

Legislator Bishop, if you want, rather -- I would be happy to answer that question; would you like me to?

LEG. BISHOP:

Please.

LEG. CRECCA:

The only change with regard to public hearings is the ability -- the rules now follow what the Charter has said all along and that is it's at the Legislature's discretion whether or not public hearings should be held before the full Legislature or committee and it is on a case

by case basis. There is nothing to preventing this Legislature from continuing to do the public hearings at horseshoe or in a committee and that will be an individual vote every time we do set a public hearing. So if anything, the rule has been brought into compliance with the Charter and the Administrative Code. And quite frankly, in the four years that I have been here, I found a tremendous amount of mistakes in the rules or parts of the rules that either were not consistent with the Charter and Administrative Code, and most of them were minor, and many problems with the rules I guess as they've been changed over the years and we've tried to clean-up the rules and get them more in compliance with the Charter and Administrative Code.

LEG. BISHOP:

So the answer is that the rules, whereas the Charter provided for it, the rules in the past never reflected that opportunity. You want to create an opportunity now for the Legislature by vote to banish Local Laws to committees and the Local Law hearings to committees. The result of that is that only five, four, five, six Legislators, however many serve on a committee, would hear what the public has to say, so there would be a reduction in public access to the Legislature on critical issues. I object to that rule and would ask that the sponsor change it to allow us to keep our tradition of allowing the public to speak to the full Legislature on Local Laws.

D.P.O. CARPENTER:

The sponsor has stepped out of the room.

LEG. BISHOP:

Is there a cosponsor who could respond?

P.O. CARACAPPA:

I'm right here.

LEG. CARPENTER:

Oh, I'm sorry.

LEG. CRECCA:

I don't think there was a question anyway.

LEG. BISHOP:

No, it was, it was a request.

P.O. CARACAPPA:

Would you restate your question or your request?

LEG. BISHOP:

To delete the provision that laws allows the Legislature to send Local Law hearings to committees which is Rule 9.

P.O. CARACAPPA:

No, seeing that it's been that way forever, why change it now?

LEG. BISHOP:

Well, that's the point, it hasn't been that way, it's a rule change, is it not?

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LEG. ALDEN:

It's a Charter Law.

LEG. BISHOP:

It's a rule change.

LEG. CRECCA:

It is a rule change.

LEG. BISHOP:

We're doing the rules, it's a rule change; it's being offered by the majority and I'm objecting to it and requesting that it be eliminated.

P.O. CARACAPPA:

If it said shall or must I would probably consider that but it doesn't, it says may.

LEG. BISHOP:

Well, the fact that it's a discretionary tool doesn't provide me any comfort that it will not be used and abused.

P.O. CARACAPPA:

Then vote no.

LEG. BISHOP:

The language -- so the request is denied. The language that limits the public hearings to three full hours at the Legislature, we have added a one hour limit at committees. So if it gets sent to committee, not only do you get to speak to less people but you've only got an hour total to have that discussion. So when you have controversial measures, let's say Ephedra, smoking ban, whatever else Cooper is going to cook up in the years ahead, you're going to have a situation where only a limited number of Legislators hear the public hearing and that it will be limited to one hour, potentially that's exactly what will occur. I don't understand what the rush is to close off the public, it's not like we're spending 24 hours in a row here in the last couple of years, our meetings are efficient; I would suggest perhaps too efficient in that there is a lack of the kind of creative dialogue between the Legislature and the public that I think a lot of

good things in the past came out of. But in any case, there is no unwieldy record of long meetings in recent years, so what's the point here?

P.O. CARACAPPA:
Legislator Crecca?

LEG. CRECCA:
Yeah. First of all, no public hearing can be cut off by any rule of the Legislature. A public hearing can go on ad infinitum for years on end literally if people keep signing up. The cutoff that Legislator Bishop is talking about was always in our rules as a control mechanism so that business could be continued and still Legislators would have the opportunity to continue beyond the codified time limits. But understand that as long as public is there to speak, you cannot close a public hearing so that there is no cutoff of the public's access.

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And again, this is not a shall requirement as it was in the past, this is a may and it leaves the discretion to this Legislature.

LEG. BISHOP:
I don't understand. In the language -- I'm going from your memo to me, "The language that limited the public hearings to three full hours at full meetings remains and we added a limit of one hour at committees"; explain to me what that means.

LEG. CRECCA:
David, as you're well aware, you've been here a lot longer --

LEG. BISHOP:
I'm not well aware, I'm really not aware, I'm trying to figure this out.

LEG. CRECCA:
Just let me finish. You cannot close a public hearing, there cannot be a motion to close a public hearing if there are still cards and there are still members of the public which -- which wish to speak; sorry, that was hard to spit out. So what happens is the public hearing would either be extended at that committee meeting or a full Legislative meeting and if there was not a will of the Legislature to continue it, it has to be held at the next subsequent meeting, the committee -- the public hearing. So that's my point; my point is is that a public hearing goes on as long as there are people who wish to speak.

LEG. BISHOP:
Right. But the one hour limit then, if I'm interpreting it correctly,

could cause the Chair to rule that the one hour has been met and that the hearing will be suspended and continued at the next meeting of the committee.

LEG. CRECCA:

Actually it's not the Chair, it is a majority of the committee.

LEG. BISHOP:

Right, okay. So that's the point; the point is that it is another discretionary tool that can be used to frustrate public access to the Legislature. And I don't think it's necessary and I don't -- I know since it's discretionary, you know, and you think it's minor, why not just remove it?

LEG. CRECCA:

Okay. I just want to -- and you have every right to make your comments but, again, I disagree with you that it's frustrating and I would just say to you that, again, the rules are consistent with our past policies.

LEG. BISHOP:

In Rule 8, paragraph F applies the three minute rule to the public at committee meetings but leaves the discretion to the committee chairs to interpret the rule. Why do we need a rule to limit the public to three minutes at committee meetings? I think it's bad enough that we limit the public to three minutes at the Legislative meetings. It's

awfully hard on a complicated issue to have any reasonable dialogue when it's limited to three minutes, but why extend that to the committee process?

LEG. CRECCA:

Actually it's been practice in some committees, Legislator Bishop, including committees that I've sat on with you where you were the chair, number one.

LEG. BISHOP:

Never; I have never limited the public to three minutes at any committee I've chaired; never, ever, ever.

LEG. CRECCA:

In addition, Legislator Bishop, I believe you supported the three minute rule during the public portion and have commended it both publicly and privately as a means of allowing the public, all members of the public to speak.

LEG. BISHOP:

I think that we --

LEG. CRECCA:

So I'll leave it at that but we can certainly agree to disagree on this. Certainly a committee chair has the ability to let any member of the public speak as long as they want and that's why the purpose of this rule was to allow a committee chair to allow people to speak longer than three minutes.

LEG. BISHOP:

I appreciate the answer. I don't appreciate the fact that you are attributing to me statements and policies that I have not, A, said or, B, engaged in. So that's a denial as well, so all those areas are not going to be changed; that's disappointing.

How about some of these self-aggrandizing things, can we remove them from the proposed rules? For example, there's one that says that the Legislature is now -- we're now permitted to engage in conversation with each other, I guess before it was presumed to be rude, now we're authorizing it, it just can't be loud conversation or some sort of measure like that. Why do we need that rule change?

LEG. CRECCA:

Again, I'll ask, since I was the drafter of that rule change, the prior rule which it replaces --

LEG. BISHOP:

Rule 12, I'm sorry.

LEG. CRECCA:

The prior rule that it replaces allowed for no conversation to take place behind the horseshoe. There is not -- while another Legislator is speaking. And there is not a Legislator behind this horseshoe who has not had private conversations with other Legislators or aides during debate, during public portion, during every part of our procedure and this rule was put into effect to more realistically

comply with our common practice. Certainly you can't -- and I say it rhetorically but you can't tell me that you haven't engaged in private conversation -- and it's not directed at you, all of us have -- while another Legislator is speaking. So the purpose of this rule is to say, look, let's show respect to each other and if you're going to have a private conversation, please keep it to a low volume so that it doesn't interrupt the proceedings.

LEG. BISHOP:

Okay, that's fine --

LEG. CRECCA:

So I don't think that's aggrandizing anything.

LEG. BISHOP:

Well, that's fine. But then why the next one that all comments and questions go through the Chair; that's not our common practice, why not have a rule to reflect our common practice since that's what you said the last rule reflected.

LEG. CRECCA:

The reason for this change is -- and actually I call this the Brian Foley Amendment because -- through the Chair. As happened earlier in this meeting, I believe a Legislator was speaking and another Legislator interrupted them in the middle of their sentence and continued to speak louder on the microphone than another Legislator and it would be the hope of those who ask that this rule be put in there that we could show common courtesy, allow Legislators to finish their comments before interrupting them. It certainly does allow for what we're doing right now and that is you asking questions to another Legislator directly and responding, but it is on a consensual basis, not where you're interrupting somebody. We do want to allow every Legislator to have their say and to do it without being interrupted. So again, this is a matter of common courtesy and professional conduct at the horseshoe.

LEG. BISHOP:

And then I would assume the one that says, "Prohibit members from getting out of their seats and added staff call Legislators by their proper titles," that -- the purpose of that is what, there's a rash of unfamiliarity --

LEG. CRECCA:

First of all, the old rule was that Legislators were not allowed to get out of their seats. There was a rule in effect for the four years that I've been here that Legislators were not allowed to get out of their seats, we thought that would be a good rule to take out since it has never been complied with ever, ever. And I think it's quite confining to restrict, unless we're going to get duck tape to keep Legislators in their seats, since most of us suffer from Attention Deficit Disorder to begin with. But in all seriousness, again, this permits staff to call -- you're talking about the rule about addressing each other as Legislator, David? I'm sorry.

LEG. BISHOP:

Yeah, the staff has to -- I mean, there has to be a Legislator may I provision.

LEG. CRECCA:

It's only during official --

LEG. BISHOP:

You know, "May I call you Dave? Yes, you may."

LEG. CRECCA:

Certainly you can have staff or other Legislators address you however you like, but when you are conducting official business, again, just to raise the level of decorum, it was suggested that when we refer to each other that we refer to each other in the third person. So that if I'm addressing another Legislator, I refer to them by their proper title so that, again, it keeps the decorum up. Certainly there's nothing prohibiting any Legislator from having staff, as I do, call me by my first name or anybody else.

LEG. BISHOP:

You know --

LEG. CRECCA:

Except for you.

LEG. BISHOP:

Right.

LEG. CRECCA:

I'm teasing.

LEG. BISHOP:

Yeah, I know. If the --

LEG. TONNA:

Is you the third person?

LEG. BISHOP:

If decorum is the concern, I would think that we would want rules that would keep Legislators in their seats or at least incentivize them to stay in their seats because they tend to wander away, as we see. We want -- we don't want Legislators to be authorized to carry on conversation so that when the Presiding Officer tells them to stop there's a rule backing them up, now they can say, "Well, I'm allowed to, I'm allowed to have a side conversation." So I don't understand why these rule changes are necessary, clearly they're not necessary. At best, the best defense for them is that they codify what already exists which doesn't seem to be the kind of change that I want to make. So I assume you're not entertaining any changes on those as well, you're standing by those, the Legislator may I and the others.

P.O. CARACAPPA:

I'll stand by it but you can call me whatever you want, David, and I'm sure you have some choice words for me at this time.

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LEG. BISHOP:

No, I don't have choice words.

P.O. CARACAPPA:

Choice names.

LEG. BISHOP:

I just -- then finally, and maybe I'll go to the most substantive change, where are we at in terms of this Rules Committee; will that be the committee that public hearings can be sent to on a Local Law?

P.O. CARACAPPA:

The primary committee will be -- if I choose to have public hearings on any certain bill and I exercise that, I will send it to the primary committee for which all bills will go to their primary committees first. So that's where the public hearings would be if I were to set any public hearings there, which does not --

LEG. BISHOP:

Do you need a rule to that effect?

P.O. CARACAPPA:

What's that?

LEG. BISHOP:

Would you entertain an amendment to ensure that because I'm very concerned that on a controversial measure, maybe not in this Legislature, maybe next year or the year after, you could have the Local Law sent to public hearing at the Rules Committee.

P.O. CARACAPPA:

No, the public hearing and the original deliberation of the bill, a Local Law, Charter Law, Home Rule or Sense, just those -- which I might add, equated to 5.5% of the bills this Legislature passed last year, and that's a fact -- if I were to have public hearings in committee it would go to the primary committee where the bill would be deliberated first. Once its passage has taken place in the primary committee, of those four bills it would then go to that second step of the Rules Committee and then after deliberation there and passage of a majority it goes to the floor; simple.

LEG. BISHOP:

So you won't accept an amendment but it's going to be your practice to send it to the primary committee. Will the Rules Committee --

P.O. CARACAPPA:

But keep in mind, David, the Legislature as a whole sets the dates of public hearings, not Presiding Officer. It's the time and the place so it's a vote of this body, a majority of the body, but if it were to be a unilateral decision I have made it clear, but it's not.

LEG. BISHOP:

In terms of rescuing a bill from the clutches of the Rules Committee, the mechanism for that --

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LEG. CRECCA:

Political theatre.

LEG. BISHOP:

The mechanism for that is what, is it 12 signatures on a petition, it's ten vote, ten signatures?

P.O. CARACAPPA:

It's ten signatures.

LEG. BISHOP:

Why signatures and not simply a vote? We're here to vote at the meeting, why can't we just have a vote of the Legislature to waive that rule?

P.O. CARACAPPA:

Legislator Crecca, would you mind?

LEG. CRECCA:

At this juncture it takes ten on a discharge petition to release it from the Rules Committee. The old rule had 12 on the floor to discharge anything, that has been changed now to ten, the idea being to make it -- if there is a majority of ten on any given bill, whether it's in rules or not, whether it's one of those 5.5%, that ten can always bring it to the floor for a vote. The consensus and belief among those who support these rules is that no legislation should be held back and if it has the support of a majority of members of this body, then it should come to the floor and the mechanisms are in these rules to do that. The old rules, obviously, you needed super majorities in order to release it to the floor which we believed was {twarfted} legislation and stuff that otherwise could pass wouldn't be able to.

LEG. BISHOP:

So if you believe that a majority supports something, it should come to the floor, why create the additional hurdle of having to file something written three days in advance as opposed to simply having

Legislators perform their duties in voting on a bill? I don't understand that.

LEG. CRECCA:

Just to answer your question, the purpose of the discharge petition has always been so that, A, it can be calendared by the Clerk and so that Legislators have the ability to see it and not get thrown, especially on -- Local Laws and Charter Laws especially tend to be more lengthy in the pages and what they do than regular resolutions, we certainly would not encourage the discharge of things that change the Charter or the Administrative Code. And there was a specific request from the Clerk's Office that we change that to the Friday before so that they can have adequate time to make the proper copies and distribute them and certainly this was an idea so that people weren't strung things on before. And certainly if there is consensus, I would think that 48 hours before a meeting you would be able to gather that for a bill.

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LEG. BISHOP:

Again, I believe that if ten Legislators who have been elected support a measure, it should not have to go through additional hurdles of the Rules Committee and a separate filing and I would ask that it be removed but I assume it will not be.

Can I ask a question regarding a dialogue that we had earlier just to clarify something? With regard to the Finance Committee, as the rules currently read it appears that the Finance Committee also has additional hurdles to -- if a bill is tabled in Finance or does not get out of Finance, there are additional hurdles that don't exist for other committees; is that correct?

P.O. CARACAPPA:

Let me just make it clear; are you talking about budget amendments or bills that would be assigned to Finance.

LEG. BISHOP:

I hope we're talking about budget amendments.

P.O. CARACAPPA:

Well, we want to make it clear here.

LEG. BISHOP:

Then that's fine.

LEG. CRECCA:

If I may address that?

P.O. CARACAPPA:
Legislator Crecca.

LEG. CRECCA:
Because that question came up both on January 2nd from yourself and Legislator Vilorio-Fisher.

LEG. BISHOP:
That hasn't been clarified, I know you're big on clarity.

LEG. CRECCA:
A couple of things here just so we're clear. It only applies -- the three-quarter rule, there has been no substantive changes there, it still only applies to Davis amendments. I actually consulted with both present Counsel and prior Counsel, Paul Sabatino II, and he has said that that has always been the rule, that you could not discharge from the Budget Committee and that stays consistent here. Ordinary bills assigned to Finance as primary bills still are dischargeable.

And I would also remind Legislator Bishop and those who made inquiry that although only recent years it has been a practice, there still is the ability to waive the rules and discharge a budget amendment, although it's only in the last several years that we've actually done that, but that ability still is there.

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LEG. BISHOP:
Okay. I appreciate you going through these one by one, I'm disappointed in the answer, obviously.

I would say that taken as a whole, all these rule changes are designed to, A, slow the pace of legislation down, create a system that's going to slow the pace of legislation down; B, create more titles and perks for selected Legislators; and C, create an opportunity to frustrate the public's desire to speak to us directly and at the time when the greatest number of Legislators are present. So if you take that together, what you end up with is not rules which are consistent with the tradition of the Suffolk Legislature which is an open, aggressively democratic institution that wants to hear from the public and wants to engage in a dialogue with the public and wants to move far-reaching legislation quickly and correctly and aggressively. Instead, this is more in line with like the British House of Lords, you know, we've got to call each other by our titles, we have to have mechanisms to slow things down and we have to have perks and benefits that are not accorded to us by the voters. So I would say that these rules are a failure and they should be denied and I appreciate the opportunity to speak on them.

P.O. CARACAPPA:

Thank you, Legislator Bishop. I have just one question to you. If at year's end, this Legislative calendar comes to an end and you find that the things that we passed today have no bearing on democracy and the way that we do things here, will you on the record say that you were wrong?

LEG. BISHOP:

I will say on the record at that time that I'm concerned that the potential would still exist and I would congratulate the Presiding Officer at that time from refraining from taking advantage of failures in the rules. So if that's your intention, I will congratulate you for that, but I will not say that these rules are correct, these rules are wrong.

P.O. CARACAPPA:

Well, I'll tell you if at the end of the year I see that what we're trying to accomplish does stifle debate, change the way that we've done business in the Legislature for the worse, that I will admit to my errors and that it was a mistake. I firmly believe that I won't have to do that, but only time will tell. Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman, and thank you for your patience and series of questions that we've raised and will continue to raise because of some what we feel are objective concerns about the proposed rules changes. I have a couple of questions either to you, Mr. Chairman, or to Legislator Crecca and then I'll have few comments to be made after that.

You've answered the question on the Budget & Finance Committee, the way the Finance Committee has worked in the past will continue to work that way. Are there any additional budgetary related resolutions that will be going to Finance that will require three-quarters of a vote?

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One of the rumors, and I hope you can dispel it, but one of the rumors was such that any bill with any financial impact would be funneled to the Budget & Finance Committee; is that true or not true?

LEG. CRECCA:

Understand that -- it's not true to give you a simple answer, but I will tell you this, that I can't control where bills are assigned. But in my conversations with the now new Presiding Officer, the intention is to not -- to assign bills to their primary committee, similar to prior practice.

LEG. FOLEY:

And three-quarter vote is simply under the Davis --

LEG. CRECCA:

Only bills that fall under the Davis law.

LEG. FOLEY:

Okay, thank you. If we can move on, Mr. Chairman, to a few other areas. The public hearings, we've had a long discussion and questions and answers about that, we still have some real concerns about the public hearings, even with the discretion at the committee level where you say it's in conformance with the law. The proposed -- with the County Charter. I just put my colleagues, if you will, on notice that I'll be forwarding a Charter change that would eliminate any discretion in placing a public hearing in the committee because I think it should be in the whole so all 18 of us can hear what the public has to say, but that will be for a later debate.

The question I have, again, for the Chair or for Legislator Crecca, under Special Meetings, what's different with the proposed rule changes than we've had in the past with Special Meetings; could you outline the differences?

LEG. CRECCA:

I don't believe that there are any differences between what Special Meetings --

LEG. FOLEY:

The only -- all right. The only one that I had, if you can clarify this --

LEG. CRECCA:

Sure.

LEG. FOLEY:

-- is whether -- and this may have been an earlier iteration of the original rule changes, whether or not bills can be introduced, or laid on the table if you will, at a Special Meeting. I think there was -- that was going to be prohibited under the new rules changes; if that could be clarified.

P.O. CARACAPPA:

Not at all.

LEG. FOLEY:

Okay.

LEG. CRECCA:

Again, I don't -- there was nothing drafted to prohibit -- to change anything for Special Meetings.

LEG. FOLEY:

So in effect, whether it's the Presiding Officer or let's say the County Executive, at some point in June we need to have a Special Meeting before the end of the Legislative agenda we can do that.

P.O. CARACAPPA:

Yes.

LEG. FOLEY:

Okay. That won't be changed, very good.

Finally on the reconsideration, there was a change that you had made in reconsideration where -- and for many, many years, with the opportunity to reflect on decisions that we made at one General Meeting, we can come back at the following General Meeting and we have on occasion, not too often but on occasion, with our discretion have reconsidered bills. It's my understanding that that will no longer be allowed, that the reconsideration can only take place at the very same meeting that you vote on that bill, is that still -- is that change still proposed in these rule changes?

LEG. CRECCA:

Yes, it is.

LEG. FOLEY:

Could you explain why?

LEG. CRECCA:

There was a feeling that if there was going to be a reconsideration it should be at the same meeting among many Legislators, certainly a majority of Legislators. In addition, I would just point out one possible scenario where we could actually vote on something, it becomes law and theoretically it could be rescinded and be unlaunched, if there is such a thing, at a next meeting. Certainly there's nothing preventing somebody at the next meeting of either waiving the rules or laying a bill on the table to reverse a prior action, we always have that ability.

LEG. FOLEY:

Through the Chair, that's for a Local Law though. What about what I would call a regular resolution or a budgetary resolution?

LEG. CRECCA:

Once the County Executive -- my understanding is once the County Executive signs even an ordinary resolution or a budget amendment, after it's been approved by the Legislature it becomes effective immediately under 215A of our County Law. So the fact of the matter

is you would have a situation where you could reconsider something that was actually already law, signed into law.

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LEG. FOLEY:

Well, if you have infrequent General Meetings which we're going to get to in the later part of the Organizational Meeting, but you have more frequent meetings, I don't think that particular scenario would occur. Would you consider reconsidering the reconsideration change?

LEG. BISHOP:

Through the Chair.

LEG. FOLEY:

And the reason I say that, the reason I say that is that it has -- even though the current majority by Legislator Crecca's account would like to have only reconsideration at the same meeting, I have found and those of us who have been here for a number of years have found that there has been occasions when we wanted to revisit an issue. And opposed to having to submit new legislation, go through the committee structure and as the General Meetings are currently constructed where there's only five meetings in the first five months of the year, it's going to take a long time, in essence, to change something that we had noticed the following week after the General Meeting that needs to be reconsidered. So is there any thought given to continuing with the practice of having reconsideration at the following General Meeting; would you be willing to make that change?

LEG. CRECCA:

No.

LEG. FOLEY:

Mr. Chairman, those are the series of questions that I have, many of the others were already asked by either Legislator Tonna, Legislator Bishop and others.

I would just simply say that going with past practice, and you've stated that at your discretion you will keep democracy flowing in this particular body, but the real concern here is not so much who may be in the Presiding Officer's chair this year, you have always worked with us in a nonpartisan fashion, but I think the point that needs to be reemphasized is the fact that these rule changes are setting the framework, the precedent if you will as our attorney friends would say, setting the framework and a precedent where future Presiding Officers who may not be as nonpartisan as Legislator Caracappa is, they will now have on the books, if you will, the rules and regulations -- rather the rules that could allow them to be less -- well, to be more partisan than is the current state of affairs.

So the precedent that will be set today if the majority approves these rule changes are something that in years ahead could lead, could lead to a diminution of public participation and the nonpartisanship that --

P.O. CARACAPPA:
Not on my watch.

LEG. FOLEY:
Not on your watch and that point is well taken and I'm glad you state it. But as Legislator Bishop and I'm trying to state as well, that

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while it may not be on your watch, by embedding those changes into the rules, future Presiding Officers, particularly in the few years when term limits affects at least seven of us and there will be new people on this horseshoe, there could very well be other Presiding Officers who will not be as discreet, if you will, with their exercise of their power and their influences you have said you will do this year.

So those are the concerns I have with these proposed rule changes, not only for this year but how it could create the foundation for changes in future years as well. Thank you.

P.O. CARACAPPA:
Thank you very much, Legislator Foley. Legislator Tonna.

LEG. VILORIA-FISHER:
Please put me on the list, Mr. Chair?

LEG. TONNA:
Just two questions, and one I would direct it to you, Mr. Presiding Officer, just since we're going to vote on this all as one package, I can see that coming. The issue with regard to -- I know that you've stated the position of why you wanted to create this Legislator with a stipend and a travel expense; I have been thinking about this over and over again.

Most people, when they decide that they're going to take on and lobby a larger group like a State Legislature or a Federal government decide to ban together, they hook-up with other counties, they hook-up with other legislative bodies, they hook-up with other organizations, citizen groups or whatever else; it seems like we're going in the opposite direction here. What we're doing is we're saying that we're going to have a Legislative person who is going to get an additional salary or stipend, whatever you want to call it, and their travel expenses, I don't see any reason why we shouldn't compensate somebody

for travel expenses over and above their ordinary if they're doing something. But how do you envision then that this -- I mean, are we going to send this person to Washington? Where are -- who are they going to hook up with, what are we going to do in the State Legislature? Do you think that one Legislator going on their own is going to have as much an impact as going with a County Executive team or going with a committee that you might create or going with the force of the full Legislature?

I'm just trying to understand why creating this position and rewarding that person and breaking precedent in being able to give them a stipend, whatever it be, I mean, we talked about money the last time, we talked about a thousand dollars, we talked about \$2,000, we talked about -- you know. I mean, would like to get an idea of why you think -- and really bucking the tide and going in -- you know, as I perceive and you can correct me, Mr. Presiding Officer, going in the opposite direction of banding together, that actually splintering and being a smaller force would be more effective.

P.O. CARACAPPA:

Well, I certainly don't think I am going against the tide, I think I'm going with the tide, a tide that finally we're getting to be a part of

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in a time that it's vitally necessary. What is wrong with a person that has been elected as a County Legislator and part of this body, what is wrong with one person finally, after all these years, taking the message of this entire body through bills that we have passed as an entire body and bringing them up, knocking on the doors of each and every Assemblyman and Senator, Congressman and Senator at the Federal level, what is wrong with that?

LEG. TONNA:

Well --

P.O. CARACAPPA:

And so I answer your question by asking you a question, what is wrong with that?

LEG. TONNA:

Well, I'll tell you. I think that you already have -- you know, I don't see us differing much with the County Executive, whether it be a County Executive under a Republican Administration or a Democratic Administration, I think everybody here, if they're polled, we know that Medicaid -- Medicare -- Medicaid is out of control, we know that there are certain things like that. What I'm wondering is why aren't we doing this in cooperation with larger groups of people? Why would we -- and why would we say that we need somebody to be paid extra to

do that when that's our job and the job of the Presiding Officer?

I went up to Albany a few times with the County Executive after listening to the Legislature, after listening to -- why would we want to send somebody up and give them the opportunity to be compensated for that when already we have a situation where Legislators -- every single Legislator here I think feels it's their responsibility, when we have an active delegation both on the Republican side and the Democratic side, we have lot of minority -- minority, we have a lot of Democratic Assemblyman in the majority, we have a lot of Republicans in the State Senate that, you know, should be able to hear us, why would we want to bring one person up? How effective would that be not going with a whole group of people? I just don't understand. We have a difference of opinion and clearly the difference of opinion is why we would pay somebody to do that when they're already getting a pretty decent salary from the people of Suffolk County.

P.O. CARACAPPA:

I'll send you up, too, Paul.

LEG. TONNA:

Thank you, I would love -- but I don't want to be paid for it, you know, that would be the difference. I would love to go; as a matter of fact, I would welcome any opportunity but I'm not going to ask for a stipend because I think it's part of my job already.

P.O. CARACAPPA:

Well, just without going on, I put it all on the record why I believe in this position. I firmly believe it's on the merits. I appreciate that you don't agree with me, but it's for no other reason than the reasons I've stated, I firmly believe in them. I think it's worth the effort, it's worth the experiment, if you want to call it that, to

move in this direction. And in my personal opinion, a little over due, especially with the times we're facing for '05. Why not is my final comment. Thank you for your comments.

LEG. TONNA:

Just to follow-up. Will we -- you can't manage something unless you measure it. Can we at the end of the year -- and I'll be the first one because I know you asked Legislator Bishop. I will be the first one on the record to say if we have any significant breakthrough with the lobbying effort of our stipend Legislator, I will be the first one on the record to say that I was wrong. But I ask you, Mr. Presiding Officer, if at the end of this year we find that this Legislative body, or the people of Suffolk County really, were paying an additional salary to a Legislator, I would like to measure the

results. You can't manage, everybody knows a basic business principal is you can't manage unless you measure. So I would like, since this is management decision by you with a majority of Legislators to vote on your behalf, I would like to see the indicis, the criteria in which you are going to measure someone's success, whether it be through activity or whatever else, and then at the end I would like to hear a report and then see if -- you know, that it was actually something that was worthwhile or not. And I will, I absolutely will and I'll write down the -- I'll be glad to write down the -- you know, keep the minutes with me, that at the end of the year, the last meeting of the year, if we have a report and find out that actually the Legislator with the additional stipend and travel expenses has been much more effective, I'll be the first one to say, Joe, that you were right and I commend you on your thinking and on your leadership. On the other hand, if he wasn't that effective, I would like to find out if we're going to change that policy in the future. Thank you.

P.O. CARACAPPA:

If it's not effective you could use this over my head.

LEG. TONNA:

I don't need to use it over your head, we have honest differences of opinion.

P.O. CARACAPPA:

Exactly.

LEG. TONNA:

I have an incredible amount of respect for you, Joe, whether you believe it or not, that's up to you. I have an incredible amount of respect for you. I have respect that, you know, you're trying to do what you think in good conscience is the right thing to do. I just -- we just have -- gentlemen disagree.

P.O. CARACAPPA:

Absolutely. And we will do everything that you just suggested, Paul, and I thank you for those suggestions. There will be reports filed to my office to be distributed to the Legislature as a whole by the person who is making these lobbying efforts on our behalf. That's duly noted, I appreciate it. It just lends to the hopeful success of what I'm trying to accomplish here, so thank you. Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

Thank you, Mr. Chair. And I would like to make note that you have responded to some of the conversations that we had had, or Mr. Crecca, whoever it was that made the changes, and I have seen some important

changes that were made. There are a variety of areas with which I'm still uncomfortable, but Mr. Bishop and Mr. Tonna have both very eloquently stated those philosophical differences. However, there are other points that I would like to make.

Anyone who has sat at this horseshoe during the five years that I have been here has witnessed that decorum in the Legislature is something very important to me. However, when we speak of decorum and how we comport ourselves, it's not only essential, Mr. Crecca, that we treat one another with respect but that we treat the public with respect.

LEG. CRECCA:

I agree.

P.O. CARACAPPA:

It's our job.

LEG. VILORIA-FISHER:

Exactly, it is our job. And I noted on two different occasions here, Rule 2A paragraph seven and Rule 10A, that the word "shall" has been changed to the word "may" with regards to requiring a quorum during public portion. It has been our practice that if there is not a quorum and the public is participating, that we suspend the public portion until such time that there is a quorum; I think that's basic respect that we owe to the public. I find it embarrassing when I sit here with a handful of other Legislators, there's someone who is impassionately speaking about something very important to them and they're looking at empty seats. And yet there's a disregard for public respect when we change that from "shall" to "may" and I would like to ask what the rationale was behind that.

LEG. CRECCA:

Actually there wasn't that much thought that went into that, so I don't want to, you know, over emphasize the change.

LEG. VILORIA-FISHER:

Would you be willing to amend that back to shall rather than may?

LEG. CRECCA:

Let me just finish, Legislator Fisher. One of the reasons it was changed was during the year we have not really enforced that rule, that was the thinking behind it. It has not been enforced regularly and I was trying to comply the rules, again, with our practice. And I'm not saying that it was the right thing to do necessarily, but that was the reasoning behind it. And for the most part, this body has been better at being present for the public portion but has not been -- there has not always been a quorum present and we have not stopped the proceedings always when there has not been a quorum present.

LEG. VILORIA-FISHER:

Actually, I beg to differ, I think we have been judicious in enforcing that rule. We have sat here and those of us who do sit here for the

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majority of the time have seen Linda counting and running out to the hall to get Legislators back in here, so we have truly been judicious in enforcing that particular rule.

LEG. BISHOP:

This is the one for a quorum?

LEG. CRECCA:

Yeah. Actually, it would be Legislator Caracappa as the sponsor of this bill who would have to change those -- it's two words.

P.O. CARACAPPA:

I will entertain those changes.

LEG. VILORIA-FISHER:

Thank you, Mr. Chair.

P.O. CARACAPPA:

I think that's definitely something we should do and appropriate.

LEG. VILORIA-FISHER:

Okay. Thank you, Mr. Chair. I have another question for Legislator Caracappa because I know that it was his pen that crafted this.

LEG. CRECCA:

Actually, before you do that, Legislator Fisher, a point of order? I think that you actually have to, Joe, make a motion to waive the rules and amend to make those amendments. So I --

P.O. CARACAPPA:

I was going to do it after her comments.

LEG. CRECCA:

I apologize. That's fine, I just wanted to make sure.

LEG. VILORIA-FISHER:

Mr. Crecca, if you could please turn to page 15 which is Rule 6C. This is the rule change that has changed the number -- the substantive change here is changing the number of votes from 12 to 10 in discharging?

LEG. CRECCA:

Yes.

LEG. VILORIA-FISHER:

But I found that the language here was very peculiar, and if you read the underlying portion of this, just the wording is very strange. For example, you refer to the Legislature Committee; what does that mean Legislature Committee? If you look at page 16, the third line.

LEG. CRECCA:

Just give me a moment to look.

LEG. VILORIA-FISHER:

Sure. I believe you mean the full Legislature.

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LEG. CRECCA:

Yeah, actually that's not what was in the -- the word committee I don't believe was in the original text, so if you just give me a second I'll take a look. It may have been in there, it's a scrivener's error, the word committee shouldn't appear there. So as --

LEG. VILORIA-FISHER:

Okay. But as you can see, the original language -- an I was wondering why you made such changes in the way it was worded.

P.O. CARACAPPA:

Legislator Fisher, just let me get some order, that's all, so you can be heard.

LEG. VILORIA-FISHER:

Thank you. If you look at the original language, well, from the 2003 Rules, it simply says, "A resolution, etcetera, which is defeated in committee; " why do we move to such convoluted language in the revision?

LEG. CRECCA:

I disagree with you. In the prior rules he goes on to give a laundry list of things that can happen to a bill when it's completely unnecessary; either a bill is discharged or not discharged from a committee, with or without recommendation. We've tried, as I stated on January 2nd, the redrafting of the rules tries to make all the rules in 5, 6 and other places in the rules consistent in language with discharge or discharge without recommendation. So I think this language is actually clearer and from a legal point of view I just would have to differ with you, this makes it much clearer as to discharging legislation.

The reason that you have to add some of the other language there is because of the inability to discharge Local Laws and Charter Laws before the full body on a motion to discharge on the floor.

LEG. VILORIA-FISHER:

And you also included, "Except for legislation assigned to the Budget and Finance Committee."

LEG. CRECCA:

As I stated earlier, that's consistent with the prior rules.

LEG. VILORIA-FISHER:

Yes, I know that, that is consistent.

LEG. CRECCA:

And actually, it was a place where it was very clear in our 2003 Rules but when I -- again, I checked with -- after your inquiry, actually, I did meet with Legislator -- with prior Counsel, Paul Sabatino, and he indicated to me that this was consistent with our prior rules.

LEG. VILORIA-FISHER:

Okay. Mr. Chair, could we strike as a scrivener's error then the word committee?

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P.O. CARACAPPA:

Yes, I'm just checking with Counsel.

MS. KNAPP:

Rule 6 C?

P.O. CARACAPPA:

6 C.

LEG. VILORIA-FISHER:

It's page 16.

P.O. CARACAPPA:

Page 16, fourth line.

LEG. CRECCA:

Third word.

P.O. CARACAPPA:

Third line. And just read that change into the record, Legislator Fisher?

LEG. VILORIA-FISHER:

Yes. On the fourth line on page 16 where it says, "The Legislature Committee," the word committee should be stricken so that it reads "The Legislature."

P.O. CARACAPPA:

Let the record reflect that change of a scrivener's error. And now the -- are you finished with your overall comments, Legislator Vilorio-Fisher?

LEG. VILORIA-FISHER:

Yes. Thank you, Mr. Chair.

P.O. CARACAPPA:

I would just like to -- let me try and get this right -- amend -- what would be the proper motion?

MS. KNAPP:

You are amending the motion on the floor --

P.O. CARACAPPA:

Amending the motion on the floor --

MS. KNAPP:

To strike the word "committee".

P.O. CARACAPPA:

Strike the word "Committee" from 6C on top of the -- also include the -- change the word "may" to "shall" in Rule 2A7 and 10A.

LEG. VILORIA-FISHER:

Thank you, Mr. Chair.

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P.O. CARACAPPA:

And there's a second on that?

LEG. CRECCA:

Second.

LEG. BINDER:

No, there's no vote on it, it's your bill.

P.O. CARACAPPA:

Okay.

LEG. CRECCA:

Oh, actually, it's you; yeah, that's true.

P.O. CARACAPPA:

I'm just changing it as the sponsor, right. I think that's appropriate.

Are there any other comments? Oh, Legislator Lindsay, I'm sorry, you're on the list; my apologies.

LEG. LINDSAY:

Thank you, Mr. Chair, for recognizing me. I appreciate a lot of your comments as well as Legislator Crecca as the drafter of these rules to kind of reassure us that the intent of these many rule changes are not dark in nature or anything. And I'm sure that you Legislators, you gentlemen will live up to your comments and I think we're all anxious to get back to the people's business, adopt these rules and move forward with our business. However, I do have to agree with both Legislator Tonna and Lord Bishop --

LEG. BISHOP:

Through the Chair.

LEG. LINDSAY:

-- about, you know, some of their comments about although the rules will be interpreted by yourself in a fair and just bipartisan manner over the year, with them being on the books I think there is some dangers about future leadership of this body misusing some of these rules if they are to continue -- first of all, if they're passed this year and if they are to continue in the future.

Particularly, I think we all have pause with the Rules Committee because it is something new and there is some suspicion about it, there's no two ways about it. I know following a lot of the comments of my fellow Legislators, the reason for it, is to, you know, kind of to decrease the amount of frivolous legislation that's introduced before us and you know, I openly admit that my voice over the short time I've been here has agreed that sometimes we debate, you know, propose bills that I don't see the necessity for. But every once in a while, you know, I'm wrong and I point to one piece of legislation that we debated extensively last year and we eventually passed and that I was opposed to and I'm talking about the Ephedra legislation.

P.O. CARACAPPA:

It takes a man to say this.

LEG. LINDSAY:

I really thought that it was not needed because I didn't think it was the duty of a local body to regulate any drugs. I thought that was the responsible of the Federal Government, that was my position consistently from the day the bill was introduced until it was voted on by this body and the record will reflect that I voted against it, but I was proven wrong. You know, January 1st the FDA banned Ephedra

and that ban started here which I think is something that this body should be proud of, it's one of many in a long line of firsts by the Suffolk County Legislature, that we started something here that was adopted nationally; at the time that we were debating the bill here, I guess I didn't have the vision to see that. But I'm fearful that we might overlook without full debate legislation that could be very useful to our citizens as well as the citizens of our State or our country if this Rules Committee is used to stifle debate and stifle legislation, and that's my only comment on it. And as a result of that, I will not be able to vote for these rules as long as the Rules Committee is in there.

The other question, and it will be my last and I will be quiet, is we've heard some comments and we've debated about the legislative appointment of a lobbyist from among our group, and I don't necessarily think that's a bad idea. I stated at the last meeting that, you know, I would all be for the whole bunch of us renting a bus and all going to Albany en masse to ask that somebody listen to our pleas about especially unfunded mandates. But the question I have and it's something that I don't think has come up, what -- how much is the stipend, do we know, is it up to you; how is that going to be determined?

P.O. CARACAPPA:

It will be up to me and it's yet to be determined.

LEG. LINDSAY:

But will it be determined on the number of times that the assigned Legislator will be out of the County, you know, is there going to be some kind of formula?

P.O. CARACAPPA:

It's -- I have to honestly say it's yet to be determined; I'm leaning towards doing it based on job performance. Laugh it up.

LEG. BISHOP:

It's absurd.

P.O. CARACAPPA:

Before I recognize Legislator Caracciolo, and I think these comments I want to say right now are even more appropriate. Bill, I have to say, your comments are very much appreciated by myself and I think everyone here. You conduct yourself as a gentleman and your comments, though they may be different than what I believe in, they're not volatile, they're lucid, well thought out, they're respectable objections, and that goes a long way in working together over a long legislative year

would conduct themselves like you, I think the majority of this body has and I hope that it will continue. But kudos to you for the way you conduct yourself at this horseshoe. Legislator Caracciolo.

LEG. CARACCIOLO:

Mr. Chairman, you just made a statement that I was prepared to make myself. I just want to commend you, Bill, as Joe just did, because as someone with your background, you have had many years of experience sitting around the table with other people and reaching compromise and that's what everything we do here in this Legislative auditorium is about, it's compromise. I could sit here probably for the next two hours and recite chapter and verse the inconsistencies of past meetings, Organizations Meetings, where the adoption of the rules have come up, but I'm not going there because that would just keep this debate going. And at some point, as you've indicated, we have to get on with the public's business; I'm prepared to do that, I would encourage everyone else to do that.

I have questions about, you know, a lot of past practices in the Legislature but I'll save that for another time. I'm not happy with Rule 4(H) that gives the Majority and Minority Leader an extra Legislative Aide. When I hear people trying to strike the note that we need to economize; well, I've never understood the justification that began I believe around 2000 when bipartisanship, so to speak, was formalized in this Legislative body. And then all of a sudden we saw appear in the rule, the rules that I did not see until they were voted on, I have never seen a process, Mr. Chairman, as fair and as open as you and Legislator Crecca have made this one. I take in stride the comments by those who may disagree with the rule changes, but let's get on and do the work that we were elected to do.

P.O. CARACAPPA:

Thank you. I appreciate those comments.

LEG. CRECCA:

Roll call.

P.O. CARACAPPA:

On the rules, roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

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LEG. O'LEARY:

Yes.

LEG. VILORIA-FISHER:

No.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Pass.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. BINDER:

Yes.

LEG. TONNA:

No.

LEG. COOPER:

No.

P.O. CARACAPPA:

Yes.

LEG. ALDEN:

Yes.

MR. BARTON:

Ten.

LEG. TONNA:
Mr. Chairman?

P.O. CARACAPPA:
Legislator Tonna.

LEG. TONNA:
Since we have the 2004 Rules in place, could you please have Legal Counsel explain third person versus second person versus first person so that we know how to comport ourselves?

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P.O. CARACAPPA:
Who's on first? Legislative Counsel, please, if you would.

LEG. VILORIA-FISHER:
Would you like an English teacher to do that?

LEG. TONNA:
Just so you know, Legislator Counsel, because we're not on a first name basis yet, I guess I have to ask privately. But I would ask the Legislative Counsel just to direct us so that we make sure we're not in violation of the rules.

P.O. CARACAPPA:
Just know you can break the rules with me any time and everyone should still call me Joe. Thank you.

MS. KNAPP:
The rule I don't believe applies to me, I think it's only for Legislators.

LEG. TONNA:
I'm sorry, I would have made that amendment, I would have asked to make that amendment for you also, Legislative Counsel. But could you please explain to us how we're supposed to address and how we're supposed to have other people address us now?

MS. KNAPP:
I believe that the Legislators will be addressed as Legislator Binder, Legislator Bishop. The third person rule refers to a parliamentary practice that instead of saying -- instead of saying, "If Bill meant this," that in parliamentary practice usually you would say, "If Legislator Lindsay would permit," or if -- you would address the Chair as opposed to addressing people directly, that's one way to do it.

LEG. TONNA:

How about when -- let's say I address through the Chair and I am discussing something that Legislator Viloría-Fisher wanted to say, do I have to -- would I have to use the Legislator Viloría-Fisher or the Legislator from the whatever district or -- and obviously that's different from the second person, right, so you can't say you or her --

MS. KNAPP:

I think the --

LEG. TONNA:

-- or whatever, because that's a second person. And then I just would want to find out what happens when you're in violation of that rule.

MS. KNAPP:

The most preferred practice is to ask the Chairman if you can be permitted to respond to something that was said by another Legislator. I don't know that those rules are going to be entirely rigid.

LEG. TONNA:

We just --

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LEG. VILORIA-FISHER:

Mr. Chair?

LEG. TONNA:

Through the Chair, I still have the floor I think.

P.O. CARACAPPA:

Legislator Tonna and I believe I heard Legislator Viloría-Fisher to my right.

LEG. TONNA:

Through the Chair, I would ask legal Counsel, again, just to understand, we have comment now from Legislative Aides talking; what happens then, first of all? What happens? I'm just trying to understand, do they get expelled from the auditorium, do we --

MS. KNAPP:

It's --

LEG. TONNA:

-- censure them, do we -- what happens?

MS. KNAPP:

It's entirely up to the Presiding Officer. But I think in practice,

the Presiding Officer will do as he did when Legislator Viloría-Fisher was speaking and ask for quiet in the auditorium, but it is the Presiding Officer's call.

LEG. TONNA:
Okay. Thank you.

LEG. VILORIA-FISHER:
As a language teacher, I just had to respond.

P.O. CARACAPPA:
And you're next on the list, Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:
The second person is when the speaker is speaking to the listener, so I would say "Paul Tonna" or you. If I have to speak to you in the third person then I must say, "Mr. Chair, Legislator Tonna or Paul Tonna, I disagree with him," so you must refer to the person as the third person not as the listener. The Chair is always the listener or the public is the listener and the person to whom you are referring or with whom you might be disagreeing is the third person that you're speaking about, so you never address one another directly and that's supposed to mitigate debate between two Legislators.

P.O. CARACAPPA:
Thank you for that understanding, Legislator Viloría-Fisher.
Legislator Crecca and then I'll recognize Legislator Cooper.

LEG. CRECCA:
I'll yield my time.

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P.O. CARACAPPA:
Okay. Anything else on this rule change, Legislators? Okay, I believe I will recognize Legislator Cooper for a different topic.

LEG. COOPER:
Now that the rules have been adopted, I wanted to respectfully ask Legislator Caracciolo for his commitment to this body that he will --

LEG. TONNA:
Through the Chair.

LEG. COOPER:
Through the Chair, that he will lobby just as passionately with our State and Federal officials for resolutions that this body approves that he voted against as resolutions that you supported. I reviewed about 15 or 20 Sense Resolutions and Home Rule Messages over the past

couple of years where Legislator Caracciolo was in the minority, and actually in one case he was the only vote against the resolution. And I just wanted to ask for his commitment --

LEG. TONNA:
Through the Chair.

LEG. COOPER:
Through the Chair, that even for those resolutions where he passionately disagreed and in some cases vocally opposed the resolution in the Legislature, that when he gets up to Albany or down to Washington he will speak out forcefully in support of the bill. One example --

LEG. TONNA:
Through the Chair.

LEG. COOPER:
Through the Chair, Mike --

LEG. BINDER:
You don't have to say through the Chair.

LEG. COOPER:
-- where there were 17 yes votes and you were the only no vote was the Home Rule Message requesting New York State to authorize Suffolk County to establish a Foreign Trade Subzone in Nassau County, you were the only vote against that, I believe that you spoke against it, but now you would be expected to go up to Albany to lobby strongly in favor of it. Do you honestly feel that you could do so? I have another dozen examples of that but, I mean, you're only human and I just wanted to see whether you could make that commitment to us.

LEG. CARACCIOLO:
Would you like me to respond?

P.O. CARACAPPA:
Please do.

LEG. CARACCIOLO:
Legislator Cooper, it's my responsibility as an elected official when I take Oath of Office, as each of us have done back on January 2nd, to uphold the laws of the State, the Federal Government, the Constitution, and in this instance the Rules of this Legislature. And if the rules state and stipulate that if I am the designee of the Presiding Officer to undertake lobbying in Albany and Washington on behalf of the Legislature, then I will do so based on the Sense

Resolutions, Memorializing Resolutions and other actions that this body and the majority has voted for, whether I was in the majority or otherwise.

LEG. COOPER:
Thank you, Mike.

LEG. TONNA:
Oh, nope, nope, nope.

LEG. BISHOP:
Whooops.

LEG. BINDER:
If he allows it it's fine.

LEG. COOPER:
If I may, Mike, through the Chair, Mike, Legislator Caracciolo.

LEG. BINDER:
The rules allow him to accept cross conversation; don't worry about it, you're fine.

P.O. CARACAPPA:
Okay, we have -- I'm going to move on to some late starters I'd like to lay on the table. Introductory Resolution 1029 which is assigned to Parks -- well, actually I'm going to make a motion to waive the rules and lay on the table Introductory Resolution --

LEG. LINDSAY:
You have a copy of that?

MS. BURKHARDT:
It's in your folder.

P.O. CARACAPPA:
It's in your folder, these are all in your folder, Legislators -- 1029 which will go to Parks, 1032 which will be assigned to Human Services, and I believe that's all. Motion by myself, second by Deputy Presiding Officer -- oh, I'm sorry, and 1030, 1030 as well to be assigned to Public Works. Motion by myself, second by Deputy Presiding Officer Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:
17.

P.O. CARACAPPA:
Seeing that it was bad weather this morning and we usually ask this

question in committee, is there anybody else who would like to address the Legislature?

LEG. FOLEY:

Don't we have other resolutions, Mr. Chairman? We have to do the calendar.

P.O. CARACAPPA:

No, I believe the calendar was approved.

LEG. TONNA:

Well, I have a question about the calendar, Mr. Chairman.

LEG. FOLEY:

We didn't do the calendar.

P.O. CARACAPPA:

That was my understanding, too, but I'm told that it was approved.

LEG. FOLEY:

No, we did not do the calendar.

LEG. CRECCA:

May I? We had to do the calendar because otherwise we couldn't set the public hearing, so we did the calendar.

LEG. FOLEY:

No, we -- I can.

LEG. BINDER:

We did it.

LEG. LINDSAY:

No.

P.O. CARACAPPA:

Hold on, everyone, one at a time. Legislator Foley has the floor.

LEG. FOLEY:

Thank you, Mr. Chairman.

LEG. TONNA:

I'd ask to be recognized after this.

LEG. FOLEY:

The part of the calendar that we had done was simply to hold this particular meeting, we did not approve -- and the 27th. We did not approve a resolution for all of the General Meetings throughout the

year. I know that for a fact because if we did have that kind of motion, I was prepared to make some proposed amendments to the General Meetings. We did not approve the list of General Meetings throughout the year, I believe we only did it for the General Meeting -- for this meeting and the General Meeting of January 27th, for this month, but not for any other month, not for any other part of the year.

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P.O. CARACAPPA:

Okay. Just before I recognize the next speaker, in the minutes from the meeting the question was presented to me by Legislator Tonna; "Mr. Presiding Officer, just on the calendar, we are going to reconsider the calendar, right?" "P.O. CARACAPPA: Yes."

LEG. FOLEY:

That had to do with this particular meeting because he couldn't be here on Monday, so he -- Legislator Tonna couldn't be here this past Monday and that's why he wanted to make sure it wouldn't be that Monday. It was only for that particular meeting, it was not for the whole agenda.

LEG. ALDEN:

Henry's got a roll call.

LEG. FOLEY:

And I was carefully --

MR. BARTON:

Not a roll call, it's a voice vote.

P.O. CARACAPPA:

We did adopt the calendar, but it was an understanding on the floor that we would reconsider.

LEG. TONNA:

Yes.

LEG. FOLEY:

Absolutely. All right, then I would like to make a motion then to reconsider Resolution No. 8, waive the rules --

LEG. TONNA:

And I'll second it.

P.O. CARACAPPA:

Let's get the motion on the floor. There's a motion by Legislator Foley, second by Legislator Tonna to reconsider the calendar, the meetings calendar for the year 2004.

LEG. TONNA:

And I'd ask to be recognized.

P.O. CARACAPPA:

You're on the list, Paul. Legislator Viloría-Fisher is first, Legislator Tonna is second.

LEG. FOLEY:

Well, I -- Mr. Chairman?

LEG. VILORIA-FISHER:

I withdraw my request to speak.

LEG. FOLEY:

Thank you.

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LEG. TONNA:

I'll be quick. Mr. Presiding Officer, I think you're aware already that we -- that I've had a conversation with your office and representatives, both the February date and the March date I would like to ask to be changed. Last November I was aware that I was traveling out of one place, out of the country that I had to make those travel arrangements in March, you're aware that the 23rd and I was assured that at least there were people who on this body would take it very seriously to make sure that I could be here for a March meeting and that would preclude me from being there any time in the week of March 23rd. So I would ask that we reconsider the March date for another date, I'm open to date that, you know, works for other members.

LEG. FOLEY:

Mr. Chairman?

LEG. TONNA:

And then the February 24th date which this would be the first year that we ever do it at this later juncture, it's right after President's Week, I was not aware, you know, that we have ever done it at that time before. And I know a number of us are traveling on business, I think at least two Legislators are traveling on business and I would ask that you think about changing that date. So the February 24th date and the March 23rd date and I would ask the Chairman, I don't know how -- you know, we can amend it to a certain date certain. I don't really care, either time in February, I just -- those two dates. So I'm willing to work with any Legislator to say what can we find another time.

I know in the past we have always tried to accommodate every Legislator possible so that they can make dates, you know, so that everyone can attend the meetings. I will not be able to attend either of those meetings if we leave these dates as is.

P.O. CARACAPPA:

There have been a lot of requests for meetings to be certain times based on whether Legislators are going to be out of town or religious observances, to change this we're going to need a couple of minutes. So with the allowance --

LEG. FOLEY:

Mr. Chairman?

P.O. CARACAPPA:

With the allowance of the body, maybe you would allow me to call a ten minute recess so we can go over calendars and things of that nature?

LEG. FOLEY:

Yeah. Just --

P.O. CARACAPPA:

But I'm going to let Legislator Foley speak first but then I'd ask for that recess.

LEG. FOLEY:

Thank you, Mr. Chairman. I would like just to add to what Legislator Tonna had mentioned. Earlier the Chair had mentioned about the many challenges facing this particular County in the first half of the year, there's going to be a lot of challenges with our State and Federal Government that's going to require us to be very active in the first half of the year; however, when we look at our calendar of General Meetings, there's only five General Meetings between now and the end of May. In times past, going back some years ago, virtually every month there were two General Meetings as well as two committee weeks.

Now, what I'm requesting, through the Chair, and have the Presiding Officer entertain this and if not make it a formal motion, that we have not only a change in February to meet the needs of Legislator Tonna, but I looked at our calendar, looked at the February recess as well as the April recess, so I'm going to make a motion -- I have two motions. The first motion is to have two General Meetings in March, March 9th and March 30th, and also to have two General Meetings in May, May 4th and May 18th, that way, Mr. Chairman, we could have more meetings than there are currently proposed.

There's going to be a lot of tension in this Legislature and across the street in the County Executive's Office to move forward with an agenda in order to meet the challenges of this County. And with due respect to the majority, I find that these five meetings for the first half of the year will not do justice to the issues that will be confronting us. So whether I have to make that in the form of a motion or whether you can make these changes after a ten minute recess, that's the first motion I would make. And I also would have a second motion to return to something that we used to do for many years that is to alternate meetings between Riverhead and Hauppauge, and that's going to be a second motion.

P.O. CARACAPPA:

Okay, just if I could speak on the second motion --

LEG. FOLEY:

Sure.

P.O. CARACAPPA:

-- which was Riverhead and Hauppauge, it's my understanding that we wouldn't be able to meet that meeting schedule based on the work that's about to commence in the Riverhead County Center.

LEG. FOLEY:

It's my understanding that that work would not commence until the old Infirmary building was reconstructed and then they were going to do the Evans K. Griffing Building.

P.O. CARACAPPA:

We'll have to find out.

LEG. FOLEY:

That's what I -- I think that's the case.

P.O. CARACAPPA:

And with relation to your other request, I don't think it has to be a motion at this point in time.

LEG. FOLEY:

Okay.

P.O. CARACAPPA:

You're asking us to consider it, I'm going to ask for that recess so that we can try and work through some calendar stuff here and build some consensus and in 20 minutes we'll come back, hopefully we can have some consensus; if not, we tried.

LEG. VILORIA-FISHER:
Mr. Chair, before we have that recess?

LEG. FOLEY:
Thank you.

P.O. CARACAPPA:
Legislator Vilorio-Fisher.

LEG. VILORIA-FISHER:
Could we have an amended copy of Resolution 8 wherein we have the correct time listed for the meetings, 9:30 rather than 10?

P.O. CARACAPPA:
They're doing it as we speak.

LEG. VILORIA-FISHER:
Okay, thank you.

P.O. CARACAPPA:
Okay, a 20 minute recess. Thank you.

[*BRIEF RECESS TAKEN: 11:37 A.M. - 12:13 P.M.*]

P.O. CARACAPPA:
Roll call, Henry.

(*Roll Called by Mr. Barton, Clerk*)

LEG. CARACCILO:
Here.

LEG. SCHNEIDERMAN:
Here.

LEG. O'LEARY:
Here.

LEG. VILORIA-FISHER:
Here.

LEG. LOSQUADRO:
Present.

LEG. FOLEY:
Present.

LEG. LINDSAY:
Yeah.

LEG. MONTANO:
Here.

LEG. ALDEN:
Here.

LEG. CRECCA:
Here.

LEG. NOWICK:
Here.

LEG. BISHOP:
Here.

LEG. BINDER:
Here.

LEG. TONNA:
Yep.

LEG. COOPER:
Here.

LEG. CARPENTER:
Here.

P.O. CARACAPPA:
Here.

MR. BARTON:
17 present.

P.O. CARACAPPA:
Thank you, Mr. Barton. We have --

LEG. FOLEY:
Mr. Chairman?

P.O. CARACAPPA:
I recognize Legislator Foley.

LEG. FOLEY:
Thank you, Mr. Chairman. We had a break, there appears not to be any consensus on additional meetings.

LEG. TONNA:

None?

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LEG. FOLEY:

No. What I would like to do, therefore, and I do this with respect to my colleagues, but given the importance of the first half of this year, both to addressing the issue of State mandates, Federal mandates, budget issues that will be confronting us, a new administration that has the -- that's been put into office by the people of this County that expect some dynamic leadership both from the Executive Branch and the Legislative Branch, I'm going to make a motion to have additional meetings the first half of the year. So to make this a formal motion, I make a motion that we include -- that we change the March 23rd General Meeting and for that month have a March 9th General Meeting and a March 30th meeting. I also in that same motion would change the May 11th meeting and have a May 4th General Meeting and a May 18th General Meeting. And finally in October, because there's no meetings in October, that I would also add that we should have an October 12th meeting as well so there's at least one meeting in that month.

And again, particularly for the first half of the year, and I submit this respectfully, you know, we shouldn't have what is, in essence, for the first half of the year a part-time schedule for full-time work. We put in the time, all of us do, and the first five --

P.O. CARACAPPA:

Legislator Foley, if I could --

LEG. FOLEY:

Yes.

P.O. CARACAPPA:

Not to cut you off.

LEG. FOLEY:

Go ahead.

P.O. CARACAPPA:

But I think your motion is out of order based on the fact that we need to reconsider the calendar first.

LEG. FOLEY:

I thought we made the motion to reconsider.

P.O. CARACAPPA:

We haven't voted on it.

LEG. BINDER:

The calendar is not before us.

LEG. FOLEY:

There was a recess?

P.O. CARACAPPA:

The calendar is not before us.

MR. BARTON:

I have a motion and a second to reconsider but no vote.

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P.O. CARACAPPA:

There's a motion and a second to reconsider.

LEG. FOLEY:

Well, this is on the motion to reconsider then. All right.

LEG. TONNA:

All right.

LEG. FOLEY:

Because I -- the reason I --

P.O. CARACAPPA:

You've made motions to change dates --

LEG. TONNA:

There was a motion and a second to reconsider, right?

LEG. CRECCA:

We never voted on it.

P.O. CARACAPPA:

You're making motions to changes dates which are out of order --

LEG. FOLEY:

Understood.

P.O. CARACAPPA:

-- at this point.

LEG. FOLEY:

So on the motion to reconsider, Mr. Chairman.

LEG. TONNA:

And please put me on the list.

LEG. FOLEY:

On the motion to reconsider then, if I may make --

P.O. CARACAPPA:

Continue.

LEG. FOLEY:

Thank you. The motion to reconsider may, in fact, fail and that's the reason why that I outline the changes that I would like to see, but let me just say in a general sense. I would hope that even if there's a disagreement on these particular dates, that we as a body would have more than simply five General Meetings in the first five months. It does a disservice to the public, we're not meeting our, let's use the word mandates or our obligations to our constituents. And given all the other things that I've outlined and others have outlined about the challenges facing us in the first five or six months of this year, I would hope that we could come to an agreement for some additional meeting. Thank you, Mr. Chairman.

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P.O. CARACAPPA:

Legislator Tonna.

LEG. TONNA:

Yes. There's a motion and a second to reconsider the calendar. On the motion, I do not agree with Legislator Foley, obviously we've disagreed over the last ten years about additional meetings. But I would ask you, that this body would reconsider the calendar so that we can change a date in March and a date in February. Obviously some people might want to not change them at all, but I would ask to give respect, this body always has, to individual Legislators who have conflicts to try to accommodate it. And clearly, in March there are other dates, both these times are -- both in February and March are different than we've done it in the past. And I would ask my colleagues to consider reconsidering the calendar so that we can put forth an amendment or two to some of the dates. Thank you.

P.O. CARACAPPA:

There's a motion and a second to reconsider the calendar.

LEG. CARPENTER:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Carpenter.

LEG. CARPENTER:

I just wanted to respond to some of the comments that Legislator Foley made. I know that he was in the back with us when we were trying to come up with some dates and it becomes a little problematic with February with winter recess and, you know, Washington's Birthday, Lincoln's Birthday, to try to come up with things when you can set meetings and not have to be changing things.

And to the suggestion of an October meeting, I initially thought that that would be a good idea but then I was reminded of the fact that October is traditionally when we're working on the Operating Budget. Those of us who have been working on the operating group for the budget, there are a number of meetings that that involves and very often, for those of you who have done that, we are jumping out of the working group meetings, running into, you know, a committee meeting where we're maybe not necessarily giving our full attention, and there will be Operating Budget hearings, committee meetings during that month. So lest anyone think that we're not doing the people's business, we certainly are.

LEG. FOLEY:

If I may, Mr. Chairman, on that point. It's a point well taken. The committee meetings for the budget, though, no doubt since the General Meeting for the budget is November 4, it would probably be the week prior, no more than two weeks prior of November 4 where the committee budget meetings will take place. So it will either be the week of the 25th or the week -- at the earliest the week of the 18th, and that's why part of -- if we do approve a reconsideration, that's why some of us are looking at October 12 as the date for the General Meeting.

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LEG. VILORIA-FISHER:

That's Columbus Day.

LEG. FOLEY:

The 11th is Columbus Day. So the 12th being a Tuesday we could have it on that particular day and then within the next two weeks could be the General Budget, so one would not conflict with the other.

P.O. CARACAPPA:

Okay? Before we take a vote on the reconsideration of the calendar, just be rest assured, Legislator Foley, and other members of the Legislature that if the reconsideration doesn't happen and the calendar sticks as it is and there are concerns about getting together as a body to do the people's business based on a very important issue that comes before us, I will not hesitate to call a special meeting of this Legislature so that we can get the business done if it should arise. So with that being said, there's a motion and a second. Roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. FOLEY:

Yes.

LEG. TONNA:

Yes.

LEG. CARACCILO:

No.

LEG. SCHNEIDERMAN:

No.

LEG. O'LEARY:

No.

LEG. VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

No.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Nope.

LEG. CRECCA:

No.

LEG. NOWICK:

No.

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LEG. BISHOP:

Yes.

LEG. BINDER:

No.

LEG. COOPER:

Yes.

LEG. CARPENTER:
No.

P.O. CARACAPPA:
Yes.

LEG. TONNA:
Thank you, Joe.

MR. BARTON:
Eight.

LEG. FOLEY:
Mr. Chairman, I'd like --

LEG. TONNA:
I make a motion for a date specific change, I think I can do that, right?

LEG. CRECCA:
It's out of order.

LEG. TONNA:
I'll ask Legal Counsel?

P.O. CARACAPPA:
A date specific change on a meeting.

LEG. TONNA:
No? Well, I would just say then, this would be -- if we're talking about starting out the year, this is a first that I could remember in the history of this Legislature that we wouldn't consider on behalf of a colleague, and there are some Legislators that really, I'm surprised that you wouldn't consider date specific changes to the calendar when, in fact, in November I let people know about conflicts in the schedule that they assured me. So basically the last thing I want to tell anybody is my vacation schedule because the two dates that I asked to make sure that they weren't there surprisingly found themselves on the calendar knowing full well that I could not make the date in February and the date in March. And then to have Legislators, a majority of Legislators -- you didn't need the majority, all you needed is, you know, a majority to vote against it, I'm ashamed to see that. That's the first time I've ever seen that happen, whether we agree or disagree on anything. And I would say what goes around comes around and that is really shameless, absolutely shameless. So you're not going to have somebody at two meetings because they were out of the country or away, you know, whether it be a religious holiday or

whether it be something else, everybody always took consideration of that. Shame on you for making the very first vote a partisan vote that shows your discipline, shame on you. That's the second person. Angie, shame on you.

LEG. CRECCA:

May I?

P.O. CARACAPPA:

I recognize Legislator Crecca.

LEG. CRECCA:

Just so the record is clear, Legislator Tonna, we did receive dates from your office through a member of the Presiding Officer's staff, those dates were addressed. There was only one in conflict with the schedule --

LEG. TONNA:

No, two.

LEG. CRECCA:

-- there was an effort to accommodate that. Your office was contacted and they said, "Well, then Paul will have to miss the one meeting." No other dates were changed. And with all due respect, Legislator Tonna, there was an effort made, okay? And Legislator Tonna, you were invited to a number of meetings where this was discussed, you chose not to come.

LEG. TONNA:

The conference meetings?

LEG. CRECCA:

I am speaking, Legislator Tonna. And with all due respect, I changed my vacation schedule so I could be here, so I would expect the same of any Legislator, and I know other Legislators who have changed their vacation schedule to be here for the meetings. So before you go accusing, there were serious efforts made, okay, and you weren't there.

LEG. TONNA:

You didn't get the job done. I would like to be recognized, through the Chair.

P.O. CARACAPPA:

Legislator Tonna.

LEG. TONNA:

Legislator Crecca, through the Chair, you know that I asked you about the March date, it was assured to me that at least the March date

would be changed and looked at, okay. It's not with regard to vacation, it's with regard to business, all right? These are dates that I have had set a long, long time ago. To be able to have a vote that basically says we're going to show no flexibility, none whatsoever, in February or March, not one of those dates; I'm telling you right now that is just absolutely ridiculous, there's no discussion.

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Invited to a, I guess you call it conference meeting now, why should that be the criteria for deciding dates when I went through the regular channels? So now to be able to have certain dates? Before you were a Legislator, I used to have to fly back from vacations when a Presiding Officer found out when I was on vacation and he said, "That's when I'm going to have a special meeting," I had to do that three times, all right. So I know what it's like to fly back on vacations. These aren't vacations, there are business trips that I can't miss. This isn't something that's at my discretion, all right? So those are two different things. I don't know if you've been on a business trip, Legislator Crecca, but those are things that I have to respond to a client.

So all I can tell you is this -- shame on this body for not showing a little flexibility when you knew up-front and I made myself vulnerable. If I didn't give you the dates they would probably be different times, that's how I feel. Thank you.

LEG. CRECCA:

I asked to be recognized.

P.O. CARACAPPA:

Legislator Crecca. And let's try --

LEG. CRECCA:

Yeah, I'm just --

P.O. CARACAPPA:

On the merits, let's not get personal, please.

LEG. CRECCA:

No, I just wanted to say that I think the people's business comes first and I'll leave it at that. And I have traveled, so.

P.O. CARACAPPA:

Before -- okay, the calendar is set at this point in time.

As I said earlier before we recessed, because of the bad weather and I know there were some people who wanted to speak from the public that may not have been here, I will give them the chance; is there anyone

in the public that came here late that wanted to have a few words before the Legislature today? Okay. Is there any other business to come before the Legislature today? We're adjourned.

[THE MEETING WAS ADJOURNED AT 1:25 P.M.]